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6      *ATTORNEYS FOR USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC*

7  
 8      **UNITED STATES BANKRUPTCY COURT**  
 9      **DISTRICT OF NEVADA**

10     In re:  
 11     USA COMMERCIAL MORTGAGE COMPANY,  
 12     Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

13     In re:  
 14     USA CAPITAL REALTY ADVISORS, LLC,  
 15     Debtor.

Chapter 11

16     In re:  
 17     USA CAPITAL DIVERSIFIED TRUST DEED  
 18     FUND, LLC,  
 19     Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

20     In re:  
 21     USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 22     Debtor.

23     In re:  
 24     USA SECURITIES, LLC,  
 25     Debtor.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA First Trust Deed Fund, LLC

**EX PARTE APPLICATION FOR  
 ORDER REQUIRING RUSSELL  
 A D DEVELOPMENT GROUP,  
 LLC TO PRODUCE ONE OR  
 MORE REPRESENTATIVES FOR  
 EXAMINATION PURSUANT TO  
 FEDERAL RULE OF  
 BANKRUPTCY PROCEDURE 2004**

26     Pursuant to Federal Rule of Bankruptcy Procedure 2004, USA Capital Diversified Trust  
 27     Deed Fund, LLC (“DTDF”) hereby applies to this Court for an order requiring Russell A D  
 28     Development Group, LLC (“Russell A D”) to produce one or more representatives, as set forth in  
 the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, for examination at

1 the offices of FTI Consulting, Inc., One Renaissance Square, Two North Central Avenue, Suite  
 2 1200, Phoenix, AZ 85004-2322, on a business day no earlier than ten (10) business days after the  
 3 filing of this Application and no later than April 4, 2008 (or at such other mutually agreeable  
 4 location, date and time) and continuing from day to day thereafter until completed.

5 This Application is further explained in the following Memorandum.

6 **Memorandum**

7 DTDF seeks information concerning transactions and other dealings between Russell A D  
 8 and DTDF, the other debtors in the above-captioned cases (together with DTDF, the "Debtors"),  
 9 and the Debtors' affiliates, subsidiaries, parents, or otherwise related entities. DTDF seeks this  
 10 information to assist in the collection of the assets and the investigation of the liabilities of the  
 11 Debtors.

12 The requested discovery from Russell A D is well within the scope of examination  
 13 permitted under Bankruptcy Rule 2004(b), which includes:

14 [t]he acts, conduct, or property or ... the liabilities and financial condition of the  
 15 debtor, or ... any matter which may affect the administration of the debtor's  
 16 estate, or to the debtor's right to a discharge. In a ... reorganization case under  
 17 chapter 11 of the Code, ... the examination may also relate to the operation of any  
 18 business and the desirability of its continuance, the source of any money or  
 19 property acquired or to be acquired by the debtor for purposes of consummating a  
 20 plan and the consideration given or offered therefore, and any other matter  
 21 relevant to the case or to the formulation of a plan.

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### **Conclusion**

Accordingly, DTDF requests this Court to enter the form of order submitted with this Application.

Dated this      day of March, 2008.

SNELL & WILMER LLP

By.

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